

REMARKS

Claims 102-109, 111, 112 and 122-129 are pending, of which claims 102 and 122 are in independent form.

Claims 102 and 122 are amended as set forth above and are being submitted upon reopening prosecution pursuant to MPEP 1214.07.

No new matter is added hereby.

Applicant appreciates the telephone discussion with Examiner Strange on January 4, 2013 regarding the December 10, 2012 Decision on Appeal in Appeal No. 2012-012222 in respect of the present patent application.

Entry of the amendments and favorable reconsideration of the present patent application are respectfully requested.

Regarding the Claim Rejections - 35 U.S.C. § 103

In the December 10, 2012 Decision in Appeal No. 2012-012222, the Examiner was affirmed in the final rejection of claims 102-109, 111, 112 and 122-129 as set forth in the Final Office Action dated April 13, 2012.

In the April 13, 2012 Final Office Action, the Examiner reasoned that Applicant's claims did not sufficiently preclude a

connection for redirection of the user data items as explained below:

Furthermore, the current claims do not completely preclude use of a session, virtual or otherwise. The current claims merely require the step of "causing to continuously redirect the user data items" without establishing a connection session. Since Eggleston discloses that the data is delivered (equivalent to the redirection step) "in a sessionless mode" (Eggleston; col. 7, ll. 10-14), it is clear that this step is performed "without establishing a connection session". At most, Eggelston appears to establish a connection session during a client registration step, which occurs before any redirection happens, and no language in the current claims precludes such an operation from occurring. (See pages 2-3 of the April 13, 2012 Final Office Action)

The same position was also advanced in the Examiner's Answer dated July 18, 2012, as noted below:

It is additionally noted that the current claims do not preclude the client and server from establishing a connection at any time. They merely require "continuously redirect[ing]" messages "without establishing a connection". The virtual session used by AirMobile and Eggleston is established prior to any messages being identified and the redirection process occurs without establishing a connection. (See page 12 of the Examiner's Answer)

The Board has adopted the Examiner's reasoning (see pages 8-9 of the December 10, 2012 Decision) and opined that

"[f]urthermore, a reasonable interpretation of claim 102 does not require the complete omission of any and all previously established virtual connections, only that the step of causing a redirection not include establishing a connection."

In view of the foregoing claim interpretation, Applicant has amended the language to specifically preclude having a connection with the server in the method of pushing as recited in base claim 102. Base claim 122 is also amended in an identical manner. Applicant submits that the amended language sufficiently distinguishes the claimed embodiments over the applied art. Applicant further submits that the present amendments comply with 35 U.S.C. § 112 in light of the May 23, 2012 arguments presented by Applicant.

Fee Statement

Compared to the highest number previously paid for, the total number of claims and the number of independent claims have not increased. Applicant is filing herewith a Request for Continued Examination (RCE) of the instant patent application within the requisite time from the date of the Appeal Decision. Accordingly, payment via electronic filing is being authorized in the applicable amount(s). Applicant believes no additional fees are due for the filing of this Submission. If any additional fees are due and/or any overpayments have been made, however, please charge and/or credit our deposit account (Deposit Account No. 03-1130).

SUMMARY AND CONCLUSION

In view of the foregoing discussion, entry of the amendments and a Notice of Allowance of pending claims are respectfully requested.

Respectfully submitted,



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